

Appln. No.: 10/017,654  
Response dated February 7, 2006  
Response to Office Action of November 7, 2005

### **REMARKS**

The Office Action of November 7, 2005 has been reviewed and the comments therein were carefully considered. In the Office Action, claims 1-20 and 23-25 are pending, and claims 1-20 and 23-25 remain rejected. Specifically, claims 1-5, 8-20, and 23-25 stand rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,425,131 ("Crandall"). Claim 6-7 stand rejected under 35 USC 103(a) as being unpatentable over Crandall in view of U.S. Patent Application Publication No. 2002/0095612 ("Furhrer").

### **New Claims**

New claims 30-37 have been added to the application. No new matter has been added to the application and the subject matter of claims 30-37 is fully supported by the specification of the current application. Applicants respectfully submit that claims 30-37 are in condition for allowance.

### **Claim Rejections – 35 USC §102(e)**

Claims 1-5, 8-20, and 23-25 are rejected under 35 USC 102(e) as being anticipated by Crandall. The Applicants respectfully traverse the rejections.

With respect to independent claims 1, 11, 14 and 23 the Office Action alleges that Crandall discloses all features of the claims, however the Applicants respectfully maintain that Crandall fails to disclose teach or suggest at least the "distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file in **synchronization with the first terminal**" feature of claims 1, 11, 14 and 23. The Office Action alleges that Crandall discloses this feature at Col. 3, lines 18-29, however, as stated in the previous response, the Applicants maintain that

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this passage of Crandall merely discloses how a sender computer makes a call through a server computer to a recipient computer to transmit selected information:

The control computer (which may be a personal computer or an automated interactive server of some kind) may be connected to a data network, which for purposes of illustration is a connectionless packet-switched public data network (PDN) such as the Internet. The sender's control computer is connected across the data network to a server computer 150 which facilitates the broadcast of the information to the recipient. The client software 120 illustrated in FIG. 1 comprises a computer program 121 which permits the user to choose a recipient from an address book 122 and dial a voice connection to the recipient by selecting button 123.

(Col. 3, lns. 18-29). The passage does not disclose that the selected information is viewed in a "playback session ... in synchronization with [the sender]," as claimed in the present application.

In response to the arguments above, which were made by the Applicants in the previous response, the current Office Action further alleges that "Fig. 1, element 180, 128, clearly shows that the media sent from one terminal to another terminal is in synchronization with each other." However, the Applicants respectfully submit that elements 180 and 128 of Fig. 1 of Crandall do not disclose the claimed feature of "synchronized playback," as Figure 1 is not described in the specification as "synchronized playback" of media, but instead, as data broadcast. (See e.g., Col. 3, lns. 51-57; Col. 5, lns. 1-11).

In addition, the Applicants respectfully submit that Crandall fails to disclose the feature of "distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file" because in Crandall, there is not one device ("the second terminal") that both receives the playback request and begins playback of the media file. Specifically, the Office Action alleges that Crandall discloses this feature at Col. 3, lines 18-29, Col. 5, lines 1-42, and in Figure 1. However, Crandall actually teaches away from the feature in that the user of the system described in Crandall has two devices, 1) a phone and 2) a set top box, see e.g. Col 4, ln. 52 - Col. 5, ln. 3:

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At step 310, the user can then initiate a telephone call to the CATV subscriber. In a preferred embodiment of the invention, the user utilizes an Internet-based telephonic connection service, such as AT&T's Click-2-Dial. Such a service would permit the user to input the calling number and the destination number, and this information would then be transmitted across the data network to a connection server which would establish a telephonic connection to both the user and the destination. The user's telephone would ring at step 311 and the CATV subscriber's telephone would also ring at step 312. As both parties answer their respective telephones, the connection server bridges the two connections permitting the parties to communicate. The details of such a process are set forth in co-pending commonly-assigned U.S. patent application Ser. No. 09/038,149, to Bennett et al., filed on Mar. 19, 1997.

After the TV subscriber answers the telephone call, a version of the URL formatted for the subscriber's television is broadcast on the designated CATV channel at step 320.

(emphasis added).

Furthermore, the two devices disclosed in Crandall are not connected by wire or connected wirelessly, and thus, the user must manually and separately operate both devices. In contrast, the present claims disclose the use of only one device by each user, the "first terminal" and the "second terminal." The use of only one device in the present claims is supported throughout the specification and the claims of the patent. For example, paragraph 17 states:

Terminals 101, 103 and 105 provide for communications over associated communications channels (e.g. 121 and 123) and provide playback capabilities (e.g. a video display).

(Paragraph 17).

Thus, for at least the above reasons, the Applicants respectfully submit that claims 1, 11, 14 and 23 are patentable over Crandall.

Furthermore, because claims 2-10, 12-13, 15-20 and 24-25 ultimately depend from allowable independent claims 1, 11, 14, and 23, Applicants respectfully submit that claims 2-10, 12-13, 15-20 and 24-25 are patentable for at least the same reason as claims 1, 11, 14, and 23.

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**Claim Rejections - 35 USC §103(a)**

Claims 6-7 are rejected under 35 USC 103(a) as being unpatentable over Cranall in view of Furrer. Because claims 6-7 ultimately depend from allowable independent claim 1, the Applicants respectfully submit that claims 6-7 are patentable for at least the reasons discussed above with respect to independent claim 1.

Applicants respectfully submit that the instant application is in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

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